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July 12, 2005

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

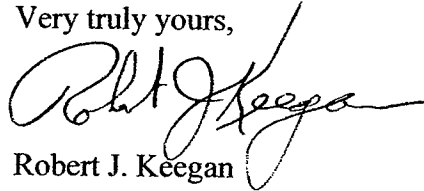
Re: NSTAR Gas Company, D.T.E. 05-36

Dear Ms. Cottrell:

Please find enclosed the instructions and first set of information requests of NSTAR Gas Company to the Department of Telecommunications and Energy's Pipeline Engineering and Safety Division in the above-referenced proceeding.

I have also enclosed a certificate of service. Thank you for your attention to this matter.

Very truly yours,



Robert J. Keegan

cc: Shaela McNulty Collins, Hearing Officer
Andrew Kaplan, General Counsel
Denise Desautels, Esq.
Colleen McConnell, Esq.
Jennifer Cargill, Esq.
Alan L. Cantor, Esq.

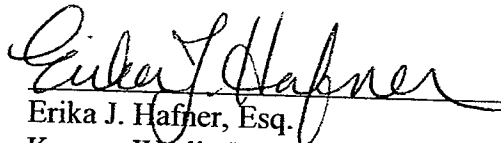
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NSTAR Gas Company)
_____))
_____)

D.T.E. 05-36

CERTIFICATE OF SERVICE

I certify that I have this day served the foregoing documents upon the service list in the above-docketed proceeding in accordance with the requirements of 220 C.M.R. 1.05.


Erika J. Hafner, Esq.
Keegan Werlin LLP
265 Franklin Street
Boston, MA 02110
(617) 951-1400

Dated: July 12, 2005

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NSTAR Gas Company)
_____))
_____)

D.T.E. 05-36

**FIRST SET OF INFORMATION REQUESTS FROM NSTAR GAS COMPANY
TO THE PIPELINE ENGINEERING AND SAFETY DIVISION**

Instructions

The following instructions apply to this set of information requests and all subsequent information requests issued by NSTAR Gas Company (the "Company") to the Department of Telecommunications and Energy's (the "Department") Pipeline Engineering and Safety Division ("Division") in this proceeding.

1. Each request should be answered in writing on a separate page (paginated) with a recitation of the request, the identification number of the request (for example, NSTAR-1-1), the docket number of the case, the date of the response, and the preparer of the response or the name of the person responsible for the answer. Please mark each page of an answer with the identification number of the request. In addition, please clearly reference any attachments to a response with the number of the request to which it applies and include page numbers on all attachments.
2. Please do not wait for all responses to be completed before supplying answers, but instead please provide the answers as they are completed.
3. These information requests shall be deemed continuing in nature so as to require further supplementation if the Division or its witness(es) receive or generate additional information within the scope of those requests between the time of the original response and the close of the record in these proceedings.
4. The terms used interchangeably within these information requests relating to "any and all", "documentation", "support", and "justification" mean provide all data, assumptions, and calculations relied on. Please provide the source of and basis for all data and assumptions employed. Include all studies, drafts, memos, reports, and planning documents from which such data, estimates and assumptions were used. Please provide and explain any and all supporting workpapers.
5. The term "document" is used in its broadest sense and includes, without

limitation, writings, drawings, graphs, charts, photographs, phonographic records, microfilm, microfiche, computer printouts, memoranda, letters, correspondence, handwritten notes, records and reports, bills, checks, articles from journals or other sources, and other data compilations from which information can be obtained, and all copies of such documents that bear notations or other markings that differentiate such copies from the original.

6. References in these information requests to the Division or the Department shall pertain to all employees, personnel, experts, witnesses, consultants and commissioners of the Division and the Department. For purposes of these information requests, unless the context explicitly states otherwise, the terms "Division" and "Department" shall have the same meaning such that references to the Division shall include the Department and references to the Department shall include the Division. References in these information requests to the Company pertain to NSTAR Gas Company, Commonwealth Gas Company and any other predecessor in interest.
7. If the Respondent believes that any of these information requests are ambiguous or need clarification, please contact David Rosenzweig or Stephen August at 617-951-1400 so that the requests can be clarified prior to the preparation of a written response.
8. If an answer provides a reference to another information response, please provide that response with the answer.
9. If a question refers to an information request of another party, please provide an answer with information that supplements the previous responses.

NSTAR Gas Company's First Set of Information Requests

- 1-1. Please identify all Division and any other Department personnel that were responsible for or involved in the preparation of the Incident Report dated November 6, 2003. Please describe the responsibility of each person identified in the preparation of the Incident Report and a description of the professional and educational qualifications of each person named.
- 1-2. Please identify all Division personnel that were responsible for the preparation of the NOPV dated November 7, 2003. For each person(s) named, provide a description of the work performed in the preparation of the NOPV and the professional and educational qualification of each named person.

- 1-3. Please provide a copy of all written notes taken by all Division personnel identified in the response to Information Request 1-1 in preparing the Incident Report.
- 1-4. Please provide a copy of all written notes taken by all Division personnel identified in the response to Information Request 1-2 in preparing the NOPV.
- 1-5. For each Division personnel named in response to Information Request 1-1, please provide a listing of all individual(s) contacted by telephone, mail or electronic mail to discuss any issue(s) relating to the preparation of the Incident Report. Please provide all contemporaneous written notes of those telephone conversations.
- 1-6. For each Division personnel named in response to Information Request 1-2, please provide a listing of all individual(s) contacted by telephone, mail or electronic mail to discuss any issue(s) relating to the preparation of the NOPV. Please provide all contemporaneous written notes of those telephone conversations.
- 1-7. Referring to the NOPV, dated November 7, 2003, page 2, please identify all NOPVs issued by the Division for probable violations of 49 C.F.R. Part 192.619 (maximum allowable operating pressure) to any operator subject to the Department's jurisdiction between 1970 and the present. For each NOPV, provide the following:
 - (a) the Incident Report;
 - (b) the Consent Order;
 - (c) all correspondence between the Division and the alleged violator; and
 - (d) all documents used in the preparation of the NOPV or the Incident Report.
- 1-8. Please provide a copy of all prior interpretations, rulings, orders and determinations by the Division of 49 C.F.R. Parts 192.619, 192.603(a) and 192.603(b) as it relates to the need for gas distribution companies to document the results of pressure testing for new or reinstated gas mains and services.
- 1-9. Please provide a copy of the Department's Federal Certification Agreement with the Department of Transportation, as referenced on page 1 of the Incident Report.
- 1-10. Please provide a copy of each annual certification to the Secretary of Transportation made by the Department pursuant to 49 U.S.C. § 60105 from 1992 to the present.

- 1-11. Please provide a copy of all reports, correspondence, memoranda, or other writings between the Department of Transportation and the Division concerning any safety program of the Division established under 49 U.S.C. § 60105.
- 1-12. Please provide a copy of all reports, correspondence, memoranda, or other writings between the Department of Transportation and the Division concerning the Department of Transportation's review of any certification filed by the Division with the Department of Transportation pursuant to 49 U.S.C. § 60105.
- 1-13. Please provide a copy of all Division written responses to a request for a waiver pursuant to 220 C.M.R. 107.02.
- 1-14. Please provide a copy of all requests for waivers submitted to the Division pursuant to 220 C.M.R. 107.02.
- 1-15. Please provide a copy of all correspondence between the Division and the Department of Transportation concerning the interpretation or consistency with federal law of the Department's regulations at 220 C.M.R. 69.00, et seq., or any subsection thereof.
- 1-16. Please provide a copy of all correspondence between the Division and the Department of Transportation concerning the interpretation of or consistency with federal law of the Department's regulations at 220 C.M.R. 101.00, et seq., or any subsection thereof.
- 1-17. Please provide a copy of all correspondence between the Division and the Department of Transportation concerning the interpretation of, or consistency with, federal law of the Department's regulations at 220 C.M.R. 107.00, et seq., or any subsection thereof.
- 1-18. Please provide a copy of the Director's Report, as submitted to the Department on June 22, 1995 in D.T.E. 94-142, concerning proposed leakage survey regulations.
- 1-19. Please provide a copy of all Consent Orders entered into between local gas distribution companies and the Division between 1990 and the present.
- 1-20. Referring to the NOPV, dated November 7, 2003, pages 2-3, please identify all NOPVs issued by the Division for probable violations of 49 C.F.R. Part 192.481 (corrosion monitoring) to any operator subject to the Department's jurisdiction between 1970 and the present. For each NOPV, provide the following:
 - (a) the Incident Report;
 - (b) the Consent Order;
 - (c) all correspondence between the Division and the alleged violator; and

- (d) all documents used in the preparation of the NOPV or the Incident Report.
- 1-21. Please provide a copy of all prior interpretations, rulings, orders and determinations by the Division of 49 C.F.R. Parts 192.479 and 192.481 as it relates to the need for gas distribution companies to perform corrosion monitoring of gas service lines that are: (a) below ground and (b) interior to a residential dwelling or business premises.
- 1-22. Referring to the NOPV, dated November 7, 2003, page 3, please identify all NOPVs issued by the Division for probable violations of 49 C.F.R. Part 192.723 (leakage surveys) to any operator subject to the Department's jurisdiction between 1970 and the present. For each NOPV, provide the following:
- (a) the Incident Report;
 - (b) the Consent Order;
 - (c) all correspondence between the Division and the operator; and
 - (d) all documents used in the preparation of the NOPV or the Incident Report.
- 1-23. Please provide a copy of all prior interpretations, rulings, orders and determinations by the Division of 49 C.F.R. Part 192.723 as it relates to the need for gas distribution companies to perform leak surveys in business districts.
- 1-24. Referring to the NOPV, dated November 7, 2003, page 3, please identify all NOPVs issued by the Division for probable violations of 49 C.F.R. Part 192.605(a) (manual for O&M and emergencies) to any operator subject to the Department's jurisdiction between 1970 and the present. For each NOPV, please provide the following:
- (a) the Incident Report;
 - (b) the Consent Order;
 - (c) all correspondence between the Division and the alleged violator; and
 - (d) all documents used in the preparation of the NOPV or the Incident Report.
- 1-25. Please provide a copy of all correspondence between the Division and the Department of Transportation concerning the Division's investigation or interpretation of regulations relevant to the preparation of the NOPV or the Incident Report in this proceeding.
- 1-26. Please describe all data, facts, reports, studies, documents or other materials relied upon by the Division to establish its proposed fine of \$200,000 in this case and explain how the Division derived this fine amount based on this information.

- 1-27. Please identify what standards, procedures and methodologies the Division uses to determine the level of penalties to be imposed for a violation of its regulations. Please provide a copy of all written guidelines the Division has developed regarding when penalties are imposed for violations of its regulations and the amount of such penalties.
- 1-28. Please identify all federal pipeline regulations that require records to be retained of pressure tests for plastic or other types of mains and services installed before 1980. Please provide all documents to support the Division's interpretation of the identified regulations.
- 1-29. Please identify all federal pipeline regulations that require records to be retained of pressure tests for plastic mains and services installed from 1981 to the present. Please provide all documents to support the Division's interpretation of the identified regulations.
- 1-30. Please explain the basis of the Division's conclusion that the Company was required to maintain documentation of the test results for the maximum allowable operating pressure of the gas pipeline facilities located at 65 Main Street in Hopkinton when those facilities were installed in 1974 and 1979. Please provide a copy of and citation to any and all regulations in effect at that time that support that conclusion.
- 1-31. Please identify all Department and federal pipeline regulations that apply to corrosion monitoring requirements for service lines in the basement of a residential dwelling that is not located in a business district. Please provide all documents to support the Division's interpretation of the identified regulations.
- 1-32. Please identify all Department and federal pipeline regulations that apply to corrosion monitoring requirements for service lines in the basement of a residential dwelling located in a business district. Please provide all documents to support the Division's interpretation of the identified regulations.
- 1-33. Please provide all documents that establish, discuss, or otherwise support a Division requirement that interior leak surveys of a residential dwelling be performed as part of a business-district leak survey.
- 1-34. Please supply a copy of the O&M Plan on file for each Massachusetts gas company under the jurisdiction of the Department.
- 1-35. Please describe in detail the Division's process used to review and approve operation and maintenance manuals prepared by local gas distribution companies pursuant to 49 C.F.R. § 192.605. Please identify the frequency that a gas company's O&M manual is reviewed by the Division.

- 1-36. Please identify each occasion since 1970 that the Division reviewed or inspected the operation and maintenance manuals of Commonwealth Gas Company and/or NSTAR Gas Company and provide a copy of all correspondence between the Division and the Company concerning the Division's reviews or inspections.
- 1-37. Please provide a copy of all documents in the possession of the Division involving the review or analysis of the Company's O&M Plans from 1970 to the present.
- 1-38. Please provide a copy of all correspondence between the Division and the Company concerning changes or revisions to the Company's O&M Plan or any part thereof required by the Division between 1970 and the present.
- 1-39. Please describe in detail the audit process and procedures used by the Division to investigate and review the testing, operation and maintenance of gas pipeline facilities in Massachusetts. With respect to the Division's audit process and procedures, please indicate:
 - (a) the frequency with which the audits are conducted;
 - (b) what materials are reviewed by the Division in the course of an audit;
 - (c) the types of written documentation and reports that are generated by the Division during an audit; and
 - (d) the remedial measures that may be required by the Division of gas distribution companies based upon information discovered by an audit.

Please provide a copy of any and all documents in the Division's possession that describe or address the Division's audit process and procedures.

- 1-40. Please provide a copy of any and all audit reports performed by the Division since 1970 regarding the Company that address:
 - (a) the requirements and applicable procedures for conducting leak surveys of gas pipeline facilities that are interior to a residential dwelling; and
 - (b) the requirements and applicable procedures for inspecting atmospheric corrosion of gas pipeline facilities that are interior to a residential dwelling.
- 1-41. Please provide a copy of any and all audit reports performed by the Division since 1970 regarding local gas distribution companies other than the Company that address:
 - (a) the requirement for conducting leak surveys of gas pipeline facilities that are interior to a residential dwelling; and

- (b) the requirement for inspecting atmospheric corrosion of gas pipeline facilities that are interior to a residential dwelling.

- 1-42. Please provide a copy of all correspondence between the Division and the Department of Transportation concerning the incident that occurred at 65 Main Street on July 24, 2002.
- 1-43. Please provide a copy of all notes of telephone calls between the Division and the Department of Transportation concerning the incident that occurred at 65 Main Street on July 24, 2002. Please identify the name(s) of individuals at the Department of Transportation who were involved in each telephone conversation with the Division and the dates and topics of all such telephone calls.
- 1-44. Please provide a copy of all correspondence between the Division and Massachusetts Materials Research, Inc. concerning the incident that occurred at 65 Main Street on July 24, 2002.
- 1-45. Please provide a copy of all notes of telephone calls between the Division and Massachusetts Materials Research, Inc. concerning the incident that occurred at 65 Main Street on July 24, 2002. Please identify the name(s) of individuals at Massachusetts Materials Research, Inc. who were involved in each telephone conversation with the Division and the dates and topics of all such telephone calls.
- 1-46. Please provide a copy or description of any other materials, documents, directives or debris provided by the Division to Massachusetts Materials Research, Inc. concerning the incident that occurred at 65 Main Street on July 24, 2002, including but not limited to the materials listed in Table 1 of the "Analysis of Jurisdictional Gas Piping and Appurtenances Removed from 65 Main Street, Hopkinton, Massachusetts."
- 1-47. Please identify all contacts between the Division and the Massachusetts State Fire Marshal regarding the incident that occurred at 65 Main Street on July 24, 2002. Please specify:
 - (a) the date of all such contacts; and
 - (b) the Division personnel involved in those contacts.

Please provide a copy of all records, logs, notes and reports of the Division's communications with the Massachusetts State Fire Marshal.

- 1-48. Please provide all records, studies, analyses or documents developed by the Division that identify mistakes, flaws, inconsistencies or incorrect conclusions regarding the August 8, 2003 report of Massachusetts Materials Research, Inc.

- 1-49. Please identify all Division personnel that were present when the Company performed a pressure test of the gas line serving 65 Main Street in Hopkinton after the incident that occurred on July 24, 2002.
- 1-50. Please provide a copy of all correspondence, telephone logs, documents, letters and emails between the Division and the Carey family, its agents, attorneys, consultants and representatives from July 24, 2002 to the present.
- 1-51. With reference to page 28 of the Incident Report issued by the Division on November 6, 2003, the Division indicates that "NSTAR is correct in its interpretation of the regulation [49 C.F.R. § 192.481] in that replacement of all underground piping for 65 Main Street with plastic relieved NSTAR of the burden of corrosion monitoring and protection." Please provide a copy of all documents and citations to applicable regulations and rulings that form the basis of the Division's conclusion.
- 1-52. With reference to page 28 of the Incident Report issued by the Division on November 6, 2003, the Division indicates that "NSTAR is incorrect in its interpretation of the regulation [49 C.F.R. § 192.481] with respect to the portion of the service line located inside the basement of 65 Main Street, which was steel pipe exposed to the atmosphere." Please provide a copy of all documents and citations to applicable regulations and rulings that form the basis of the Division's conclusion.

Dated: July 12, 2005